

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1892 – HB 1779

April 9, 2014

SUMMARY OF ORIGINAL BILL: Creates a Class C misdemeanor for using an unmanned aircraft to capture an image of an individual or privately owned real property with the intent to conduct surveillance or knowingly using an image for an illegitimate purpose as set forth by the proposed legislation.

Creates a Class C misdemeanor for the possession of an image taken unlawfully with an unmanned aircraft with the intent to conduct surveillance. Creates a Class B misdemeanor for the disclosure, distribution, or display of an image taken unlawfully with an unmanned aircraft with the intent to conduct surveillance.

Redefines “enter” under the criminal trespass statute to include instances when a person causes an unmanned aircraft to enter a portion of airspace above a land owner’s land not regulated as navigable airspace by the federal aviation administration. Criminal trespass is a Class C misdemeanor.

Creates a misdemeanor offense for surreptitious commercial surveillance. One commits surreptitious commercial surveillance by making audio recordings or recording images of the premises or operations of an employer in a manner to avoid detection. A first offense is a Class B misdemeanor and a second or subsequent offense is a Class A misdemeanor.

Creates a misdemeanor offense for aggravated surreptitious commercial surveillance by making audio recordings or recording images of the premises or operations of an employer in a manner to avoid detection and then delivering, transmitting, or distributing such surveillance. Aggravated surreptitious commercial surveillance is a Class A misdemeanor.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (015727): Clarifies that only “authorized” operations, exercises, or missions of the United States military are exempted, provided that they are consistent with the Constitution of the United States.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

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Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the courts and the district attorneys, any impact to their caseloads can be accommodated within existing resources.
- It is assumed that any impact to the public defenders' caseload can be accommodated within existing resources.
- It is assumed that the proposed legislation will not result in a significant increase in misdemeanor convictions in Tennessee.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm